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14 Attorneys for Defendants
15 Walmart, Inc., Wal-Mart Associates, Inc., and Wal-Mart.com USA, LLC

16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 TRI HUYNH,

19 Plaintiff,

20 v.

21 WAL-MART STORES, INC., a Delaware
22 Corporation; WAL-MART ASSOCIATES,
INC., a Delaware Corporation; WAL-
23 MART.COM, INC., a Delaware Corporation;
and DOES 1 through 50, inclusive.

24 Defendants.
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Case No.: 3:18-cv-01631-VC

**DEFENDANTS' UNOPPOSED
ADMINISTRATIVE MOTION TO
PERMIT INSURANCE CARRIER TO
ATTEND SETTLEMENT CONFERENCE
BY TELEPHONE; [PROPOSED] ORDER**

Hearing:

Date: June 12, 2019
Time: 11:00 a.m.
Place: Courtroom B, 15th Floor
Judge: Hon. Laurel Beeler

Complaint Filed: March 15, 2018
Trial Date: February 10, 2020

**TO THE HONORABLE COURT AND ALL PARTIES HEREIN AND THEIR
ATTORNEYS OF RECORD:**

Defendants Walmart Inc., Wal-Mart Associates, Inc., Wal-Mart.com USA, LLC (“Defendants” or “Walmart”), through their undersigned counsel of record, hereby respectfully request that representatives from Defendants’ insurance carrier Markel Corp. (“Markel”), be permitted to participate in the June 12, 2019 Settlement Conference by phone and, as grounds therefor, states as follows:

1. On December 20, 2018, the instant action was referred to the Honorable Magistrate Judge Laurel Beeler for settlement purposes.

2. The Parties are scheduled to appear before Magistrate Judge Beeler on June 12, 2019 at 11:00 AM in San Francisco, CA.

3. The Notice and Order Regarding Settlement Conference entered by Magistrate Judge Beeler on January 10, 2019 requires that “[a]n insured party must appear with a representative of the carrier with full authority to negotiate up to the limits of coverage.” Dkt. 55, at 2:24–25.

4. Walmart is insured for purposes of this matter by Markel, an insurance carrier located in Bermuda. Representatives from Markel are located outside the United States and in-person attendance at the Settlement Conference is accordingly difficult. Jennifer Salyer, an interim claims representative from Markel, is committed to being available by telephone from Bermuda at 441-279-3276 as necessary throughout the duration of the Settlement Conference.

5. Ross Higman, Senior Associate General Counsel for Walmart, will attend the Settlement Conference in person on Walmart’s behalf.

6. Defendants notified Plaintiff of their intention to make this request during a meet and confer call on May 22. Plaintiff stated that he has no objection to and does not oppose the requested relief. In addition, before filing this unopposed motion, Defendants shared the motion with Plaintiff, who confirmed he had no objection to the requested relief.

NOW, THEREFORE, Defendants respectfully request relief from the requirement of in-

1 person attendance by a representative of Walmart's insurance carrier.

2 DATED: May 30, 2019

Gibson, Dunn & Crutcher LLP

4 By: /s/ Rachel S. Brass

Rachel S. Brass

6 Attorneys for Defendants

Walmart, Inc., Wal-Mart Associates, Inc., and Wal-Mart.com USA, LLC

[PROPOSED] ORDER

The Court, having considered the Defendants' Unopposed Administrative Motion to Permit Insurance Carrier to Attend Settlement Conference by Telephone, and for good cause appearing thereon, HEREBY ORDERS THAT:

Defendants' motion for relief from the requirement of in-person attendance by a representative of Defendants' insurance carrier is hereby granted. A representative from Defendants' insurance carrier may participate in the June 12, 2019 settlement conference by telephone rather than in person.

IT IS SO ORDERED.

DATED: _____

HON. LAUREL BEELER
MAGISTRATE JUDGE OF THE DISTRICT
COURT